

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

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BETHANY R. SCAER and STEPHEN :  
SCAER, :

Plaintiffs, :

v. :

CITY OF NASHUA, *et al.*, :

Defendants. :

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Case No. 1:24-cv-00277-LM-TSM

**PLAINTIFFS' NOTICE RE PRELIMINARY INJUNCTION**

The Court should be aware of a development that impacts the motion for preliminary injunction. On Monday, October 21, Nashua Alderman Derek Thibeault sent a newsletter to his constituents in which, among other things, he called for the repeal of the city's flagpole program. *See* Ex. O. Later that day, Thibeault sent a second email clarifying his statement. *See* Ex. P. At the Board of Aldermen meeting on October 22, Thibeault repeated the opinions expressed in his emails. Nashua has placed a recording of this Board of Aldermen meeting online at <https://youtu.be/pMMJE1gNoxI?t=3276>. Alderman Thibeault's remarks occur at 55:20-57:30. Plaintiffs submit Thibeault's emails to ensure a full record for this Court's decision on the pending motion.

Dated: October 28, 2024

/s/ Roy S. McCandless

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Respectfully submitted,

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#### CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2024, a copy of the foregoing document was served on all counsel of record, using the Court's CM/ECF system.

Dated: October 28, 2024

s/ Nathan J. Ristuccia

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† Not a D.C. Bar Member but providing legal services in the District of Columbia exclusively before federal courts, as authorized by D.C. Ct. App. R. 49(c)(3).